



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 2, 2013**

**Ordinance 17548**

**Proposed No. 2013-0009.2**

**Sponsors Gossett**

1 AN ORDINANCE concurring with the recommendation of  
2 the hearing examiner to approve, subject to conditions, the  
3 application for public benefit rating system assessed  
4 valuation for open space submitted by Robert and Tamara  
5 Hirsch for property located at 46503 276th Avenue SE,  
6 Enumclaw, WA, designated department of natural  
7 resources and parks, water and land resources division file  
8 no. E12CT018.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
11 findings and conclusions the findings and conclusions contained in the report and  
12 recommendation of the hearing examiner dated March 6, 2013, to approve subject to  
13 conditions, the application for public benefit rating system assessed valuation for open  
14 space submitted by Robert and Tamara Hirsch for property located at 46503 276th  
15 Avenue SE, Enumclaw, WA, designated department of natural resources and parks, water

16 and land resources division file no. E12CT018, and the council does hereby adopt as its  
17 action the recommendation or recommendations contained in the report.

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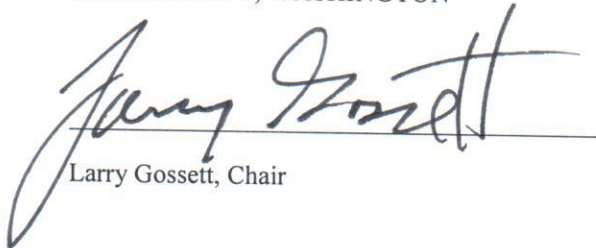
Ordinance 17548 was introduced on 1/14/2013 and passed by the Metropolitan King County Council on 4/1/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Mr. Dunn, Mr. McDermott and Mr. Dembowski

No: 0

Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



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Larry Gossett, Chair

ATTEST:



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Anne Noris, Clerk of the Council

**Attachments:** A. Hearing Examiner Report dated March 6, 2103

March 6, 2013

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
King County Courthouse, Room 1200  
516 Third Avenue  
Telephone (206) 296-4660  
Facsimile (206) 296-0198  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)

**REPORT AND RECOMMENDATION TO THE  
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Natural Resources and Parks File No. **E12CT018**  
Proposed Ordinance No. **2013-0009**

**ROBERT AND TAMARA HIRSCH**

Open Space Taxation Application (Public Benefit Rating System)

Location: 46503 276th Avenue SE, Enumclaw

Applicants: **Robert & Tamara Hirsch**  
46503 276th Avenue SE  
Enumclaw, WA 98022  
Telephone: (253) 327-4430  
Email: [northlanderbob@gmail.com](mailto:northlanderbob@gmail.com)

King County: Department of Natural Resources and Parks (DNRP)  
*represented by Ted Sullivan*  
201 S Jackson Street Suite 600  
Seattle, WA 98104  
Telephone: (206) 205-5170  
Email: [ted.sullivan@kingcounty.gov](mailto:ted.sullivan@kingcounty.gov)

SUMMARY OF RECOMMENDATIONS:

|  |  |
|--|--|
| Department's Preliminary Recommendation: | Approve 6.79 acres for 50% of market value |
| Department's Final Recommendation:       | Approve 6.79 acres for 50% of market value |
| Examiner's Recommendation:               | Approve 6.79 acres for 50% of market value |



PRELIMINARY REPORT:

On January 10, 2013, DNRP submitted its report on file no. E12CT018 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a public hearing on the application on January 23, 2013, in the Ginger Conference Room, 12th Floor, KC Courthouse, 516 Third Avenue, Seattle, Washington. The Examiner continued the hearing administratively for receipt of the affidavit of notice publication, later received February 27, 2013, at which time the hearing record closed.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS, CONCLUSIONS AND RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

|                |   |
|----------------|---|
| Owners:        | Robert & Tamara Hirsch<br>46503 276th Avenue SE<br>Enumclaw, WA 98022 |
| Location:      | 46503 276th Avenue SE, Enumclaw                                       |
| STR:           | NE 36-20-06   |
| Zoning:        | A-35  |
| Parcel no.:    | 3620069025  |
| Total Acreage: | 7.58  |

2. The Applicants timely filed an application to King County for PBRS program current use valuation of the property to begin in 2014. As required by law, notification of the application occurred.
3. A summary of relevant PBRS categories follows below. Plain text represents a category an applicant requested an award for and that DNRP agrees is warranted. ~~Strikethrough~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. *Italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And an \*asterisk\* represents a category where DNRP finds an award is warranted, but only if certain contingencies or conditions are met.

|                  |   |    |
|------------------|---|----|
| PBRS categories: | <u>Open Space Resources</u>                             |    |
|                  | Farm and agricultural conservation land<br>(contingent) | 5* |
| Total points     |   | 5* |

4. The applicant and DNRP agree that the land area recommended for PBRS enrollment is 6.79 acres, which is the entire parcel less the excluded area, as calculated by DNRP. In the event the County Assessor's official parcel size is revised, the PBRS acreage shall be administratively adjusted to reflect that change.
5. The DNRP-recommended score of 5 points results in a current use valuation of 50% of market value of the enrolled portion of the property. Award under the Farm and agricultural conservation land category is contingent upon submittal of a farm management plan (e.g. King Conservation District-approved farm management) plan for the property by **September 1, 2013**. Because the property is not eligible under any other PBRS resource category, failure to qualify as farm and agricultural conservation land will preclude the property from enrollment in the PBRS program.
6. Except as modified herein, the facts set forth in the DNRP preliminary report and testimony at the January 23, 2013, public hearing are correct and incorporated herein by reference. Copies of this report and the department report will be provided to the Metropolitan King County Council for final approval.

#### CONCLUSION:

1. Approval, pursuant to the Public Benefit Rating System adopted by Chapter 20.36 KCC, of 5 points and a current use valuation of 50% of market value for the 6.79 acres of the property, would be consistent with the purposes and intent of King County to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.
2. The subject property is currently enrolled in the farm and agriculture land program. Any open space taxation participation agreement signed as a result of approval of this application should be worded to supersede any prior agreement(s) for the parcel. (as opposed to the now-proposed enrollment as farm and agricultural *conservation land*).

#### RECOMMENDATION:

1. APPROVE current use valuation of 50% of market value for the 6.79 acres-acre enrolled portion of the property, CONTINGENT on submittal of a farm management plan.



DATED March 6, 2013.

  
David W. Spöhr  
Interim Deputy King County Hearing Examiner

### NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Hearing Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250 (check payable to King County Office of Finance) on or before **March 20, 2013**. If a notice of appeal is filed, the original and two copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **March 27, 2013**.

Filing requires actual delivery to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104, prior to the close of business (4:30) p.m. on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance that implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting the Council may adopt the Examiner's recommendation, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within 21 days from the date of the action an aggrieved party or person applies for a writ of certiorari from Superior Court for the purpose of review of the action taken.

MINUTES OF THE JANUARY 23, 2013, PUBLIC HEARING ON NATURAL RESOURCES AND PARKS FILE NO. E12CT018.

David W. Spohr was the Hearing Examiner in this matter. Bill Bernstein, Ted Sullivan and Megan O'Brian participated in the hearing on behalf of the department.

The following exhibits were offered and entered into the hearing record:

|                |  |
|----------------|--|
| Exhibit no. 1  | <i>Not submitted</i>   |
| Exhibit no. 2  | <i>Not submitted</i>   |
| Exhibit no. 3  | <i>Not submitted</i>   |
| Exhibit no. 4  | DNRP report to the Hearing Examiner                                |
| Exhibit no. 5  | Affidavit of publication received February 27, 2013                |
| Exhibit no. 6  | Notice of hearing from the Hearing Examiner's Office               |
| Exhibit no. 7  | Notice of hearing from the PBRs/Timber program                     |
| Exhibit no. 8  | Legal notice and introductory ordinance to County Council          |
| Exhibit no. 9  | Application signed/notarized                                       |
| Exhibit no. 10 | Legal description of area to be enrolled                           |
| Exhibit no. 11 | Letter to applicant re: received application and approval schedule |
| Exhibit no. 12 | Arcview and orthophoto/aerial map                                  |
| Exhibit no. 13 | <i>Reserved for future submission of Farm management plan</i>      |

DWS/gao